

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:10-cv-04255-NKL
)	
RANDAL D. HUHMANN,)	
)	
Defendant.)	

ORDER

The Government brought an action seeking monetary judgment based on the alleged failure of Defendant Randal D. Huhmann (“Huhmann”) to pay on a promissory note that was assigned to the Government. [Doc. # 1]. Pending before the Court is Plaintiff United States’s (“the Government”) Motion for Entry of Default and Default Judgment. [Doc. # 3]. The Clerk of the Court has already granted the Government’s Motion for Entry of Default. [Doc. # 6]. For the following reasons, the Court GRANTS the Government’s motion for default judgment.

Federal Rule of Civil Procedure 55(b)(1) provides: “If the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff’s request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.” Fed. R. Civ. P. 55(b)(1). Each of these conditions has been met in this case. First, the Government’s sole request for relief seeks a sum that can be made certain

by computation. Second, in support of its request for relief, the Government has submitted an Affidavit for Default showing the amount due: (1) \$76,496.05, inclusive of accrued interest through March 24, 2011; (2) interest at the rate of 3.27% per annum, or \$6.31 per day, from March 25, 2011 through the date of this judgment, (3) post-judgment interest on the judgment at the legal rate as provided by law, and (4) \$400.40 in court costs. [Doc. # 3-1, ¶¶ 5-6]. Third, Huhmann, whom the Government has affirmed is not a minor, incompetent, nor an active military service member protected from default judgment, has defaulted by not appearing. Under such circumstances, the Clerk “must enter judgment” as requested. Fed. R. Civ. P. 55(b)(1).

Accordingly, it is hereby ORDERED that the Clerk of the Court is respectfully requested to enter judgment against Randal D. Huhmann for: (1) \$76,496.05, and (2) interest at the rate of 3.27% per annum, or \$6.31 per day, from March 25, 2011 through the date of this judgment. The Court also awards post-judgment interest on the judgment at the legal rate as provided by law and \$400.40 in court costs.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: July 12, 2011
Jefferson City, Missouri